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2007 DEC 28 P 1:05

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

5 Attorneys for Defendant,
CYBER SOLUTIONS INTERNATIONAL CORPORATION

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 *CRS*
11 ANTONIO BRAVO,

12 Plaintiff,

13 vs.

14 CYBER SOLUTIONS INTERNATIONAL
CORPORATION, PAUL SRIDHAR
15 , and DOES 1 - 10,

16 Defendants.

Case No. C07 05518 RS

**ANSWER TO COMPLAINT
FOR DAMAGES**

17
18 Defendants CYBER SOLUTIONS INTERNATIONAL CORPORATION answers
19 the Complaint for Damages as follows:

- 20 1. Deny except that plaintiff is a former employee of CYBER SOLUTIONS
21 INTERNATIONAL CORPORATION and has filed the Complaint for Damages.
22
23 2. Defendants have insufficient knowledge to admit or deny this allegation.
24 3. Admit.
25 4. Deny.
26 5. Deny.
27 6. Admit.
28

- 1 7. Admit only that plaintiff was an employee of Defendants.
- 2 8. Deny.
- 3 9. Deny.
- 4 10. Deny.
- 5 11. Deny.
- 6 12. Deny.
- 7 13. Defendants reference their prior admissions and denials.
- 8 14. This is a legal conclusion which does not require an admission or denial.
- 9 15. Deny.
- 10 16. This is a legal conclusion which does not require an admission or denial.
- 11 17. Deny.
- 12 18. Deny.
- 13 19. This is a legal conclusion which does not require an admission or denial.
- 14 20. This is a legal conclusion which does not require an admission or denial.
- 15 21. Defendants reference their prior admissions and denials.
- 16 22. Deny.
- 17 23. This is a legal conclusion which does not require an admission or denial.
- 18 24. Deny.
- 19 25. Deny.
- 20 26. Deny.
- 21 27. Deny.
- 22 28. Deny.
- 23 29. Deny.
- 24 30. Defendants reference their prior admissions and denials.
- 25 31. Deny.

1 32. This is a legal conclusion which does not require an admission or denial.

2 33. Deny.

3 34. Defendant requests that plaintiff takes nothing.

4 35. Defendant requests that plaintiff takes nothing.

5 36. Defendants reference their prior admissions and denials.

6 37. This is a legal conclusion which does not require an admission or denial.

7 38. This is a legal conclusion which does not require an admission or denial.

8 39. Deny.

9 40. Deny.

10 41. Deny.

11 42. Deny.

12 43. Deny.

13 44. Defendants reference their prior admissions and denials.

14 45. This is a legal conclusion which does not require an admission or denial.

15 46. This is a legal conclusion which does not require an admission or denial.

16 47. Deny.

17 48. Deny.

18 49. Deny.

19 50. Deny.

20 51. Deny.

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24 FIRST AFFIRMATIVE DEFENSE

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26 Defendants assert that the complaint and every cause of action and part thereof, fails to
27 state facts sufficient to constitute a cause of action against them.
28

1 SECOND AFFIRMATIVE DEFENSE

2 Defendants assert that plaintiff was himself at fault regarding the matters complained of,
3 and that such fault bars plaintiff in whole or in part.

4 THIRD AFFIRMATIVE DEFENSE

5 Defendants assert that plaintiff has waived rights to recovery.

6 FOURTH AFFIRMATIVE DEFENSE

7 Defendants assert that plaintiff is estopped from claiming rights to recovery.

8 FIFTH AFFIRMATIVE DEFENSE

9 Defendants assert that plaintiff is barred from recovery by the doctrine of unclean hands.
10

11 SIXTH AFFIRMATIVE DEFENSE

12 Defendants assert that plaintiff's claims are barred by the doctrine of laches.

13 SEVENTH AFFIRMATIVE DEFENSE

14 Defendants assert that plaintiff would be unjustly enriched if he recovered any of the sums
15 claimed to be due.

16 EIGHTH AFFIRMATIVE DEFENSE

17 Defendants assert that plaintiff, by reason of his knowledge, statements and conduct,
18 failed to exercise reasonable and ordinary care, caution or prudence and therein the resulting
19 damages, if any, sustained by plaintiff were proximately caused and contributed to by plaintiff,
20 thereby barring or proportionately reducing any potential recovery to said plaintiff.
21

22 NINTH AFFIRMATIVE DEFENSE

23 Defendants assert that the plaintiff, by reason of his knowledge, statements and conduct
24 and/or with full disclosure, voluntarily and with full knowledge of the matters set forth in said
25 complaint assumed the risk of any and all of the injuries, losses and damages, if any, as alleged in
26 the complaint.
27
28

TENTH AFFIRMATIVE DEFENSE

Defendants assert that prior to the commencement of this action, defendant duly performed, satisfied and discharged all duties and obligations they may have owed to plaintiff arising out of any and all agreements, representations, or contracts made by or on behalf of defendant, and this action is therefore barred by California Civil Code § 1473.

ELEVENTH AFFIRMATIVE DEFENSE

Defendants assert that plaintiff's claim is barred as defendant exercised reasonable care regarding the matters complained of.

TWELFTH AFFIRMATIVE DEFENSE

Defendants assert that plaintiff's claim is barred as plaintiff was fully aware of all matters complained of.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendant's claims are barred by statute of limitations including CCP § 337, 338, 339, and 343.

FOURTEENTH AFFIRMATIVE DEFENSE

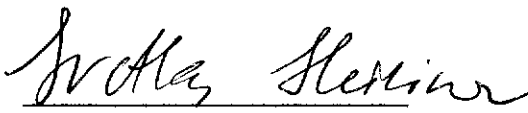
Defendants assert that this Court does not have subject matter jurisdiction because defendants are not subject to Fair Labor Standards Act, 29 USC §201 *et seq.*

WHEREFORE, defendants pray for judgment as follows:

1. That plaintiff taken nothing by way of his complaint and that judgment be entered thereon in favor of defendant and against plaintiff.
2. That defendant be awarded its attorneys fees and costs of suit incurred herein; and
3. That defendant has such other and further relief as the Court deems just and proper.

1 Dated: December 20, 2007

LAW OFFICE OF SVETLANA SHIRINOVA

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5 By: 
6 SVETLANA SHIRINOVA
7 Attorney for Defendant
8 CYBER SOLUTIONS
9 INTERNATIONAL CORPORATION
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PROOF OF SERVICE

I, the undersigned, hereby declare that I am over the age of eighteen years and not a party to the within action. My business address is 785 Market Street, 16th Floor, San Francisco, CA 94103.

On December 21, 2007, I served the

ANSWER TO COMPLAINT

on the parties specified below:

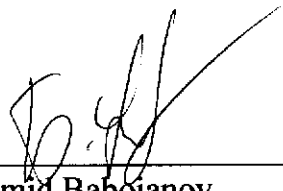
Mr. James Dal Bon
Dal Bon and Wang
12 S First Street 613
San Jose, CA 95113

The following is the procedure in which service of the document was effected:

☒ U.S. Postal Service by placing a copy of said document in a sealed envelope(s) with postage thereon fully prepaid in the designated area for outgoing mail in accordance with this office's practice, whereby the mail is deposited in a U.S. mailbox in the City of San Francisco, California, at the close of the business day.

☐ Personal Service

Executed on December 21, 2007 at San Francisco, California. I declare under penalty of perjury that the foregoing is true and correct.



Umid Babojanov
Legal Assistant